

WARRICK COUNTY BOARD OF COMMISSIONERS MEETING
REGULAR SESSION
COMMISSIONERS MEETING ROOM
107 W. Locust Street, Suite 303
Boonville, Indiana
July 14, 2014
4:00 P.M.

The Warrick County Commissioners met in regular session with Don Williams, President, Richard Reid, Vice President and Marlin Weisheit, Member.

President Don Williams called the meeting to order.

Auditor Secretary, Angie Leslie, recorded the minutes.

PLEDGE OF ALLEGIANCE

AREA PLAN COMMISSION

REZONING PETITIONS

PC-R-14-08 – Petition of Maken Corporation, Daniel Ubelhor, Pres. and Ubelhor Development, L.P., Daniel Ubelhor, Pres. to rezone 7.77 acres located on the E side of Anderson Rd. and N side of Vann Rd. approximately 0' E and 842' N of the intersection formed by Vann Rd.(S 350) & Anderson Rd. (W 600)from "M-2" General Industrial and "C-4" General Commercial to PUD – Planned Unit Development consisting of "C-4" General Commercial with a Development Plan (Primary Plat), being Lot 6 & Pt. Lot 5 Warrick Research and Industrial Center # 7 recorded in Doc. # 2007R-000424 in the Office of the Warrick County Recorder and Part Sec. 19-6-8 Ohio Twp. Complete legal on file. Advertised in the Standard May 29, 2014. Recommendation of approval by Plan Commission June 9, 2014.

Don Williams: Okay, we have some Area Planning business we'll take care of first if you want to take off on that, Sherri.

Sherri Rector: Okay, thank you, the first two (2) are Rezoning Petitions. PC-R-14-08 Petition of Maken Corporation, Daniel Ubelhor, President and Ubelhor Development, L.P., Daniel Ubelhor, President. To rezone seven point seven seven (7.77) acres located on the east side of Anderson Road and the north side of Vann Road approximately zero (0) feet east and eight hundred forty two (842) feet north of the intersection of Vann and Anderson from "M-2" General Industrial and "C-4" General Commercial to PUD, Planned Unit Development, consisting of "C-4" General Commercial Zoning. And it was a recommendation of the Area Plan Commission at their June 9, 2014 meeting and I did supply you with a certified report from that planning commission meeting and the reason for the rezoning is for a planned unit development of residential dwellings.

Don Williams: Is there anything you'd like to say, Sir?

Jim Morley, Jr.: Jim Morley, Jr. with Morley and Associates, Project Engineer. I believe you all saw this last month at Drainage Board and at County Commissioners for the road and stuff, this is a small PUD project, it requires a PUD zoning because of the lot sizing and the setbacks. The homes are going to be zero (0) lot line homes which means one (1) side of the house is built all the way on the property line and then there is an easement for maintenance on the next lot over and what that allows you to do is to have a larger side yard on each house. Typically a home has a six (6) foot side yard on either side and these will have a ten (10) foot side yard on one (1) side. And so it's just a different way of doing it but it does require a PUD Zoning.

Sherri Rector: Right, and the Primary Plat, Street and Drainage were approved last month conditioned on this rezoning.

Don Williams: Any questions from the Board?

Marlin Weisheit: I have none.

Rick Reid: None.

Don Williams: Is there anyone here that would like to either speak either for or against the rezoning petition? Hearing none I'll entertain a motion.

Rick Reid: I'll make a motion to...

Don Williams: Oh, I need a...

Sherri Rector: It is County Commissioners Ordinance 2014-20.

Rick Reid: Make a motion to approve 2014-20 Ordinance on rezoning this property.

Marlin Weisheit: Second.

Don Williams: Motion and a second. All in favor say aye.

Marlin Weisheit: Aye.

Rick Reid: Aye.

Don Williams: Aye. Motion carries three (3), zero (0).

Jim Morley, Jr.: Thank you.

PC-R-14-09 – Petition of Maken Corporation, Daniel Ubelhor, Pres. to rezone two parcels ~ {Parcel one 1.82 acres (part of Lots 1 & 2 in Warrick Research and Industrial Center # 7 recorded in Doc. # 2007R-000424 in the Office of the Warrick County Recorder); Parcel two 1.19 acres (part of Lot 5 in Warrick Research and Industrial Center #7 recorded in Doc. # 2007R-000424 in the Office of the Warrick County Recorder)}. Property on the E side of Anderson Rd. and N side of Vann Rd. Parcel 1 approximately 700' E of the intersection formed by Vann Rd. (S 350) & Anderson Rd. (W 600) and Parcel 2 approximately 350' E and 750' N of the intersection formed by Vann Rd. (S 350) & Anderson Rd. (W 600) from "C-4" General Commercial to "M-2" General Industrial zoning district, Ohio Twp.. Complete legal on file. Advertised in the Standard May 29, 2014. . Recommendation of approval by Plan Commission June 9, 2014.

Sherri Rector: And the next of course will also be...it'll be County Commissioner Ordinance 2014-21 and it is PC-R-14-09, Petition of Maken Corporation, Daniel Ubelhor, President. To rezone two (2) parcels. Parcel 1 is one point eight two (1.82) acres part of Lots 1 & 2 in Warrick Research and Development Center #7 and parcel 2 is one point one nine (1.19) acres part of Lot 5 in Warrick Research and Industrial Center #7, and the property is located on the east side of Anderson Road and the north side of Vann Road, Parcel 1 approximately seven hundred (700) feet east of the intersection of Vann and Anderson Road and Parcel 2 is approximately three hundred fifty (350) easts and seven hundred fifty (750) feet north of the intersection of Vann and Anderson Road from "C-4" General Commercial to "M-2" General Industrial Zoning District. A recommendation of approval by the Plan Commission June 9, 2014 and you have seen this layout last month.

Jim Morley, Jr.: Jim Morley, Jr., Morley and Associates, Project Engineer, as a refresher for you, all of this property was rezoned twenty five (25) years ago or something like that, and when they rezoned it they had some different boundary lines between zonings, those boundary lines ended up not matching up with some lot lines that were created when Warrick Research Industrial Center #7 were done and when Pemberley Place Subdivision were done and so this is an attempt to make the zoning the same on each lot so you don't have a lot that is half "C-4" and half "M-2". Now the lot will either be all "C-4" or all "M-2", that kind of thing.

Don Williams: And that is right next to the Industrial Park?

Jim Morley, Jr.: Yeah, this is actually...this part that we're talking about here is roughly at the corner of Vann and Oak Grove and it mainly falls in what was Warrick Research Industrial Center #7 and part of the original Warrick Research Industrial Center.

Don Williams: Anything else? Any questions from the Board?

Rick Reid: None.

Marlin Weisheit: None.

Don Williams: Is there anyone here that would like to remonstrate either for or against the petition to rezone? Hearing none I'll entertain a motion.

Rick Reid: I'll make the motion for approval of 2014-21 Ordinance to rezone that property to "M-2" zoning.

Marlin Weisheit: Second.

Don Williams: Motion and a second. All in favor say aye.

Marlin Weisheit: Aye.

Rick Reid: Aye.

Don Williams: Aye. Motion carries.

Jim Morley, Jr.: Thank you very much.

Don Williams: Three (3), zero (0).

STREET CONSTRUCTION PLANS

PP-14-08 – Arbor Pointe Townhomes PUD by Thompson Homes, Inc., Thomas Thompson II, Pres. 6.03 acres located on the N and S side of Arbor Lake Dr. approximately 0' NE & SE of the intersection formed by Arbor Lake Dr. and Arbor Point Dr., being Lots 57, 58, 59, 60 62 and 65 in Arbor Pointe Section 1 recorded in Doc. # 2008R-000250 in the office of the Warrick County Recorder, Ohio Twp. (Advertised in The Standard July 3, 2014.) Requesting no improvements be required to Arbor Lake Drive, Arbor Creek Drive and Arbor Pointe Drive.

Sherri Rector: The next item is Street Construction Plans, its PP-14-08, Arbor Pointe Townhomes PUD by Thompson Homes, Inc., Thomas Thompson, II, President. Six point zero three (6.03) acres located on the north and south side of Arbor Lake Drive approximately zero (0) feet north east and south east of the intersection formed by Arbor Lake Drive and Arbor Pointe Drive being Lots 57, 58, 59, 60, 62 and 65 in Arbor Pointe Section 1. They are requesting no improvements be required to Arbor Lake Drive and Arbor Creek Drive and Arbor Pointe Drive. And this has been reviewed by the County Engineer.

Don Williams: Okay, Mr. Morley, again.

Jim Morley, Jr.: Jim Morley, Jr., Morley and Associates, Project Engineer. As we'd discussed in the previous Drainage Board meeting this is simply splitting up lots to allow for townhomes instead of condominium homes. The streets were already installed as part of the Arbor Pointe Subdivision and the number of home sites I believe equals the number of condominiums that were originally proposed also, it's just a different way of creating the lots to allow for a better form of financing and a better use of the building code.

Don Williams: Any questions from the Board?

Marlin Weisheit: I have none.

Rick Reid: None. Is that going to be the ordinance number?

Don Williams: No, we don't need an ordinance for this.

Sherri Rector: We don't need one for that.

Rick Reid: Okay.

Don Williams: Street Construction Plans. If there's no questions from the Board, I'll entertain a motion on the Street Construction for Arbor Townhouses PUD.

Rick Reid: So moved.

Marlin Weisheit: Second.

Don Williams: I have a motion by Commissioner Reid, seconded by Commissioner Weisheit. All in favor say aye.

Marlin Weisheit: Aye.

Rick Reid: Aye.

Don Williams: Motion carries.

Jim Morley, Jr.: Thank you very much.

Marlin Weisheit: Thanks, Jim.

REQUEST FOR RELEASE OF SURETY

Castle Commons PUD by K & E Multifamily, JR Kendall, Members ~ Drainage Construction ~ Cashier's Check ~ \$55,327.80. One year expires 8/21/2014.

Sherri Rector: The next item is Request for Release of Surety. It's Castle Commons PUD by K & E Multifamily, JR Kendall, Members. Drainage construction, cashier's check for fifty five thousand three hundred twenty seven dollars and eighty cents (\$55,327.80) which expires on August the 21st. And it has been reviewed by the County Engineer and the County Surveyor.

Glen Meritt: Glen Meritt with Cash Wagner and Associates. I'd be happy to answer any questions.

Don Williams: Your request says you want some money...

Glenn Meritt: What's that?

Don Williams: You want your money back.

Glen Meritt: Everything has been installed per the drainage plan, I walked it a couple of weeks ago and everything looked fine.

Rick Reid: It really looks nice up there.

Glen Meritt: Construction is still going on with the buildings but...

Don Williams: Mr. Engineer, any comments?

Bobby Howard: My office has inspected it and would recommend Release of the Surety.

Don Williams: Okay, do I have a motion?

Marlin Weisheit: I'll make a motion to approve the Release of the Surety Bond.

Rick Reid: Second.

Don Williams: Motion and a second. All in favor say aye.

Marlin Weisheit: Aye.

Rick Reid: Aye.

Don Williams: Motion carries. Thank you.

C-12-036 – St. Mary's Medical Center of Evansville, Inc., by Jim McGillem ~ St. Mary's Epworth Crossing ~ \$19,100.00 ~ LOC expires 8/30/2014.

Sherri Rector: And the next one is C-12-036, St. Mary's Medical Center of Evansville, Inc., by Jim McGillem. St. Mary's Epworth Crossing, nineteen thousand one hundred dollars (\$19,100.00). Letter of Credit expires 8/30/2014, also reviewed by the County Engineer.

Don Williams: Any one here to represent? Okay, I don't think it's probably necessary. Bobby, let's hear what you've got to say about this release.

Bobby Howard: This drive was constructed in accordance with the approved plan and would recommend Release of the Surety.

Don Williams: Okay, do I have a motion?

Rick Reid: So moved.

Marlin Weisheit: Second.

Don Williams: Okay, I have a motion and a second. All in favor say aye.

Marlin Weisheit: Aye.

Rick Reid: Aye.

Don Williams: Motion carries. Thank you, Gentlemen.

REQUEST FOR ACCEPTANCE OF STREETS FOR MAINTENANCE

St. Mary's at Epworth Crossing ~ St. Mary's Medical Center of Evansville, Inc. by Jim McGillem ~ Frontage Road ~ 175 lineal feet ~ \$43,200.00 ~ LOC expires 8/30/2014.

Sherri Rector: Then the next request is for Acceptance of Streets for Maintenance. St. Mary's at Epworth Crossing. St. Mary's Medical Center of Evansville, Inc. by Jim McGillem. It is Frontage Road, one hundred seventy five (175) lineal feet. Forty three thousand two hundred dollars (\$43,200.00) that we are holding a Letter of Credit that expires on August 30th, also reviewed by Mr. Howard.

Don Williams: Okay, once again, Mr. Howard, if you...

Bobby Howard: Our office did inspect the improvements and they are in compliance with the approved street plans, so I would recommend accepting the Streets for Maintenance.

Don Williams: Okay, what's the will of the Board?

Marlin Weisheit: Motion to approve.

Rick Reid: Second.

Don Williams: Motion and a second all in favor let it be known by saying aye.

Rick Reid: Aye.

Marlin Weisheit: Aye.

Don Williams: Motion carries. Thank you, Gentlemen.

Sherri Rector: That's all I have, thank you.

ITEMS FOR DISCUSSION

Debbie Bennett-Stearsman ~ IHCD BEP Recipient & Program Partner Agreement

Don Williams: Some Items for Discussion, Debbie, you're up.

Debbie Bennett-Stearsman: Good evening, Debbie Bennett-Stearsman with Economic Development Coalition and I am back to talk to you a little bit more about the Blight Elimination Program or the BEP Program. Your application for Warrick County is due next week and we're getting down to putting the final application together and the last documents that we did not discuss because we didn't have copies of...we were supposed to get two (2) documents; one (1) a Program Partnership Agreement and one (1) a Program Participation Agreement. So, instead of having two (2) agreements they have combined them into one (1) agreement and I know your documents are probably stapled together odd and that's because I wrote on the top of some of them and didn't get a chance to staple them. You'll see 1, 2, 3, 4...

Don Williams: Yeah, it's kind of unusual to have a staple in the lower right hand corner.

Debbie Bennett-Stearsman: Well, you couldn't see the numbers and what I wrote on the top if I did that so... And I divided down just some talking notes on the front of it about what you would have to enter into if you agreed...continued to agree to be the recipient or the applicant for the grant. The first is the Program Partner Agreement and this document is executed by three (3) parties; the State of Indiana through the Indiana Housing and Community Development Authority because they're the funding agent, the Program Partner, the person who owns the property whether it's an individual or a non-profit, and then the county. The condition when the Program Partner sign it if they will also execute a note and a mortgage that will be in the amount of the cost to demolish that structure or to acquire and demolish the structure, any closing costs or other soft related costs.

Don Williams: The owner?

Debbie Bennett-Stearsman: Yes. The owner of the property. That note and mortgage will be for a three (3) year period, it will be reduced at the rate of 33.3% per year until the end of 2017. At the end of 2017 the entire program goes away and the liens are released. As long as they live there, if they keep the property, take care of it, don't sell it, they owe nothing back, there's no payments on it, and it's just forgiven over three (3) years. If they sell it during those three (3) years the only amount of money they have to give back is any profit that's over and above whatever the lien balance is at that time. And the lien balance is determined by IHCD because they will be preparing those documents for the property owner to sign. That's in this agreement. In here I already told you will be the lead and the only applicant or

recipient. You will need to tell us who your point of contact is going to be. Any funds that you receive through this agreement must be distributed with eighteen (18) months of the award, fifty percent (50%) must be spent within twelve (12) months of the award and the balance of it by eighteen (18) months. You can ask for an extension if it's justified, if there's some homes that happen to drop out and you have to replace it. There are six (6) reports due during the eighteen (18) month period and you'll be given those reporting dates and they could be prepared by your point of contact. The County will have to establish a separate bank account just for these funds because they're coming directly from the US Treasury and they're not coming from the Auditor of Indiana. The last recipient is the County must have or cause to your program partner, your owner, to obtain and maintain compressive general liability coverage. And I have talked to Boonville Now who says they are covered, your program partner, I just asked them today, there are some individuals on the list that they gave me and I asked them if they had been telling those owners that they are going to have to provide this insurance and they said 'yes', they're getting an agreement signed between the owners...with the owners in an intent. So I'm just telling you what I know, I haven't seen them. The second document that you see with the number two (2) is the program budget; the recording requirements and the milestones and I've listed those above they'll be changed. What I gave to you is a sample from division one (1); you're in division four (4) so all of those dates will change but I don't have them because you haven't been awarded yet. The third document is the Public Hearing Notice and you must have three (3) Public Hearings and this is the form of advertisement that will go into the paper two (2) times. It basically lets the public know which properties you're talking about demolishing in case someone's property is on there that they did not agree. If they remonstrate and we have it in the minutes and they haven't really entered into any of these then we will take their property out. And after that IHEDA will give you an approved list of properties we're going to take down. And the last then is a Waiver Form and that's in the instance a property owner can't follow through with what they agreed to do. Their property will drop out, we can do a waiver saying we want them to drop out, we want to keep that money and try to do another house cause you've got a period of eighteen (18) months to two (2) years, someone else may have a property. Any funds you don't spend because we've allotted twenty five thousand (\$25,000.00) and fifteen thousand (\$15,000.00) for each of these properties; if any of them come in under that amount of money then you'll be able to keep that in your pool of money for the county and use the waiver to do additional homes if you have money left over. So, that's the documents, your post award documents, which was the last items you were wanting to look at and I just got them last week so I'm sorry, I sent them to Todd, he probably didn't know what they were for but I did send them to him in advance. And then I tried to go through and look for the documents. The partnership agreement has a lot of language but a lot of it is boiler plate federal language that are in other grant agreements as far as I can tell. I just tried to highlight the parts that I thought pertained to you.

Roger Emmons: Would we name the Coalition as point of contact?

Debbie Bennett-Stearsman: We can. They want one (1) person that will be...yeah, that'll be fine.

Don Williams: And you're going to administer all of this right?

Debbie Bennett-Stearsman: There is three thousand dollars (\$3,000.00) per home associated for administration and maintenance and other soft cost like insurance costs and of that two hundred fifty (\$250.00) per home, per year provided it goes three (3) years and they don't sell it will go towards that then, yes.

Don Williams: Okay.

Roger Emmons: Then will that be a separate agreement with the coalition or...?

Debbie Bennett-Stearsman: Yes.

Roger Emmons: But you haven't prepared that?

Debbie Bennett-Stearsman: No, because you haven't...

Don Williams: That part of it is not...

Debbie Bennett-Stearsman: I'm sorry?

Don Williams: So we're not actually partnering with the coalition it's just going to be under contract for your services.

Debbie Bennett-Stearsman: Right, we won't be a program partner, we will be an administrator. Partners are owners of the property.

Don Williams: Okay, sounds good. Anybody else got a question?

Roger Emmons: So should they sign this tonight?

Debbie Bennett-Stearsman: No, no, none of these agreements are entered into until after you're awarded because we'll have to meet with individual property owners and the county and make sure...

Don Williams: And I think Boonville Now is probably the only one that's talked to those property owners so we really need to contact Boonville Now and find out exactly where they're at with each property owner.

Debbie Bennett-Stearsman: Well, I've got a list, they have fifty (50) properties right now and I've got the names of the property owners and they're still meeting tomorrow night. I gave them till Wednesday for a cut off.

Marlin Weisheit: They've put a lot of time in this and I have to give them a lot of credit.

Debbie Bennett-Stearsman: They have, and they're a lot of the partners in this so...

Todd Glass: Plus, Mr. President, I want to review it too for the County, like Debbie said there's not going to be much that you can change to the contract but still I would want to...

Don Williams: If you want to do that on your vacation time that's fine.

Todd Glass: I can't wait.

Debbie Bennett-Stearsman: There will be more too.

Don Williams: I've dealt with the State long enough to know when you don't change anything with them.

Marlin Weisheit: Or Federal...

Roger Emmons: I can't remember if it was Christy Powell or Sherry Sievers told me they were up to about seven hundred fifteen thousand dollars (\$715,000.00) for...

Debbie Bennett-Stearsman: It's almost up to a million (\$1,000,000.00) now.

Roger Emmons: Okay, she said it would go up.

Debbie Bennett-Stearsman: And again, its subject, we haven't taken bids, we don't know what it's going to be. And they've also asked each of the property owners to sign an agreement, again I have not seen it, that states they will provide their ten percent (10%) match. And the match is over all so I know Elberfeld has a large match on their one (1) piece of property that could probably cover several, so we're still working on the leverage right now.

Don Williams: Still have a lot to do in a short time. It's getting closer all the time.

Debbie Bennett-Stearsman: Yeah.

Don Williams: Applications have to be in by...?

Debbie Bennett-Stearsman: Yours is next...

Roger Emmons: A week from today. July 21st.

Debbie Bennett-Stearsman: A week from today. Next Monday and they'll award them in August.

Don Williams: Where did I get August 25th? I thought I read through one of the documents that said August 25th?

Debbie Bennett-Stearsman: That may be when they're awarding it. I don't have yours in front of me.

Roger Emmons: Yeah, it was either that or the 28th.

Debbie Bennett-Stearsman: Yeah, you're in Division 4 and Posey and Gibson are in 5; theirs aren't due until August.

Don Williams: Alright, hopefully we'll get there.

Marlin Weisheit: Thanks, Debbie, appreciate it.

Debbie Bennett-Stearsman: Thanks.

Roger Emmons: You may as well stay there, you're there again I think with JT.

Don Williams: I appreciate you coming.

Debbie Bennett-Stearsman & JT O'Daniel ~ Discuss Remodeling of Community Corrections Office

Debbie Bennett-Stearsman: I'm back. You can't get rid of me yet.

Don Williams: You're hard to get rid of.

JT O'Daniel: JT O'Daniel, Warrick County Community Corrections.

Debbie Bennett-Stearsman: The Community Corrections has sufficient funding to do remodeling to their facilities where they house Community Corrections over in the Judicial Center and at the last Advisory Board meeting the Board voted to move ahead with doing the remodeling and we came to the Commissioners first to ask permission since it is your building and second to ask how you want them to proceed with doing that.

Roger Emmons: JT, is it still consistent with what you and Joe, you know he had a drawing and...

JT O'Daniel: Yes.

Roger Emmons: We had an initial estimate.

JT O'Daniel: Yes, our concern obviously are the changes that might necessarily be made and the Commissioners awareness of those changes and what they're willing to allow.

Roger Emmons: I think one of the concerns of the Commissioners was the HVAC system and how it was going to effect it, what had to be done. In prior discussions with Debbie, you mentioned something about a professional engineer...

Debbie Bennett-Stearsman: Yeah, we do not have an architect or engineer on board and that's why we were coming to ask you how you wanted to proceed with that. If that's what you wanted to do first and if so if you had a preference, if you want Community Corrects...

Roger Emmons: Who would pay for that?

Debbie Bennett-Stearsman: Well, they have funding's set aside.

Roger Emmons: Okay. Is it a specific amount you have?

Debbie Bennett-Stearsman: I'm not going to tell you, then you'll all come in with that amount of money. We feel we have sufficient amount of money for construction and engineering. If we don't then we won't do it after they engineer it.

Don Williams: I think, I don't know about the other two (2) Commissioners but my main concern is the HVAC. I'm not willing to do anything that will hinder the integrity of that system as it is. That may be a problem.

Debbie Bennett-Stearsman: I wondered about the electrical too. I don't know how the lightings all...

Don Williams: I don't know, I haven't seen a drawing I don't think.

JT O'Daniel: There would have to be new light switches...

Don Williams: I don't know that light switches would be a problem and things like that, just the air conditioning would be a problem.

JT O'Daniel: Part of it if you look at it you can see where the new walls would be. I don't always understand which one's an intake and which ones a...

Roger Emmons: I had advised the Commissioners in my items today, this started back when Charlie Christmas, who I think he is a member of the Advisory Board, he came to my office back in March and from that there were several emails went back and forth and one of them was on May 2nd it was regarding status of this project and Joe had sent out an email on March 28th and had an estimate and also had a detail listing of all the different things. Joe, did you have a drawing that went with that?

Joe Grassman: I think we had a...

Roger Emmons: But I think if you have a professional engineer or an architectural firm on the HVAC if they would just get with Harshaw Trane and they probably want to at least pick their brains about how it could be done without affecting...I mean, the HVAC in the Judicial Center as you know is sometimes a little bit hinky so it would definitely have to be carefully done.

Don Williams: A little bit?

Marlin Weisheit: Don't you think Harshaw Trane could just advise them on that, I mean take a look at it and...

Roger Emmons: Yeah, they could, I mean, they have professional engineers on staff you could probably get them to do that but...

Marlin Weisheit: And in a basement it's not as critical as one of the upper floors because it is easier to cool and heat in the basement, I mean I think it is doable.

Don Williams: Well, I think it's doable, I just want to watch any modifications to the system.

Marlin Weisheit: Yeah.

Don Williams: Make sure it's...I'm not saying there can't be any, I'm just saying I don't want...the system as a whole to be effected.

Debbie Bennett-Stearsman: So are you...I guess I will ask, is it...do want them to...do you want Corrections to proceed with hiring someone to look into what modifications need to be made and design it to what their specifics are and then bring that back to you before we move forward or does the county do that as the owner of the building or how...want to contract with someone I mean.

Don Williams: The County is not willing to pay for doing that.

Debbie Bennett-Stearsman: Well, I didn't mean pay but I meant...the Corrections can't sign contracts with individuals to do that so that's why I was asking how you want to proceed.

Don Williams: Yeah, I'm fine with that, I don't know about the other two (2).

Marlin Weisheit: Yeah, I'm fine with it. I mean, JT, in your opinion this is going to take Community Corrections into the next ten (10) years probably for Warrick County wouldn't you think? If you're able to make these changes and improvements?

JT O'Daniel: Yeah, we've even been talking about building our own facility for ten (10) years and it's just...

Marlin Weisheit: Yeah, I know.

JT O'Daniel: It just is not something I can see in the near future that we'll do and if we're going to stay there, I mean, that's why we've done this just as we can or as we have with the anticipation of maybe we can move out. I don't think we're moving out so we've been living in this...I think sub-professional environment for all this time and it's just time to get it right. And we've got the funds to do it, the Boards okay with it, it's why we kept the money in case we could do a facility of our own, but we can't so that's why they're willing to approve it to be spent on your building and whatever happens with Community Corrections you still got that if we go.

Marlin Weisheit: And your Board is pretty well in majority in favor of doing this I take it, right?

JT O'Daniel: Yes, yes.

Roger Emmons: And you feel like...you know, we had that initial estimate regardless of what your grant amount is, there where was six (6) items that weren't included in that initial estimate...JT, you were...well, you should have received that...

JT O'Daniel: I did. Those were extras depending on what we could get done. I mean, there's issues with that too, you're talking plumbing...

Roger Emmons: Yeah, sprinklers system.

JT O'Daniel: We were trying to make our office as professional as a lot of other ones in the building who have walls and doors and foyers and plumbing and decent heating and air. If we can get 2/3rd of those I'd be pretty glad.

Roger Emmons: And for the Commissioners that weren't here early on that that area was...basically it's been engineered as the usage of the building has progressed.

Don Williams: It used to be part of the skating rink.

Roger Emmons: That's correct. So, that's the reason it's the way it is and I think a lot of this has to do with the rules and regs on Community Corrections, the confidentiality issues with their clients to have individual offices that would protect that. So, it sounds like the Commissioners are okay with you proceeding.

JT O'Daniel: Most of the heating/air conditioning I think can be worked out appropriate without harming or undoing anything that's already done. One of the things we need is a quiet room and that's my big concern out of the whole thing. We've got to have a quiet room because we can't record or video tape things that we're required to do for audits for the Department of Corrections because the blowers are so loud you can't hear anything if you try to set up a recorder. The blowers block it out. And in fact I even mentioned to my Board, I think the decimal level down there is higher than anywhere in the building and we basically have to speak higher than we do in this room right here. I mean, this is quiet. Down there when that blower goes off...it's set to go off at 4:30 in the afternoon or whenever it is I just can't believe the difference, you'll be in the middle of a conversation with somebody and all of the sudden when that goes off you realize you're shouting at them over those blowers but we have...that's how loud it is because those blowers are right over us, you know, all the belts and everything is over our section down there and we need a quiet...at least one (1) quiet room in there that we're able to...

Don Williams: You're having that designed in...?

JT O'Daniel: Well, that's my hope, that's a one (1)...part of that room that used to belong to the drug and alcohol program has one (1) section in that room where there are no blowers and if we wall that in and put a door on it we still need to have air coming in and out of there somehow but I'm told there's some kind of a variant...a different way to do that that at least when we want that room to be quiet we can shut off that air and have the quiet that we need for the recordings and interviews. I think that's the one critical thing is to get that air in and out of that room once its blocked off but I think that will meet our needs and the rest of it we'll just live with.

Don Williams: I think we're all in favor.

Roger Emmons: Don, something like this that the Commissioners don't have to take...

Debbie Bennett-Stearsman: That's what I was asking how do you want us to proceed?

Roger Emmons: It's a professional service so if you get a licensed architect or a professional engineer you're okay.

Debbie Bennett-Stearsman: Okay.

Todd Glass: But Mr. President, would it be the County doing that? That's what I think they're asking.

Don Williams: Any contracts would have to be signed by the Board of Commissioners.

Todd Glass: Correct.

Debbie Bennett-Stearsman: So, that's what we're asking, it's your building to your satisfaction so I'm asking you what...we've got money set aside, how do you want to proceed with that?

JT O'Daniel: Do you want to provide it or the engineer or...we pay for it?

Todd Glass: It seems like if it's the County building the Commissioners would have it drawn up and be reimbursed through this...these funds, correct?

Don Williams: We could do that.

Roger Emmons: Joe's familiar with it already so...

Don Williams: Yeah, we could do that.

Roger Emmons: I could work with him on as far as...an architect or an engineer

JT O'Daniel: Once it's done...

Don Williams: I would suggest architect.

Roger Emmons: Okay. And we'll get that approved by the Board first.

Marlin Weisheit: What kind of time frame are you on with the grant and everything?

Debbie Bennett-Stearsman: No, it's actually...it's in user fee funds.

JT O'Daniel: Yeah, the grant's not affected by it.

Marlin Weisheit: So as sooner the better for you though for your program.

JT O'Daniel: Yeah, I mean it's not a neck break sort of thing. The money is there, it's going to be there so...just whatever speed you can make on it.

Marlin Weisheit: Let's try to progress as fast as we can.

Roger Emmons: We'll work on it with you JT.

Debbie Bennett-Stearsman: So I still didn't...

Roger Emmons: Joe and I are going to get together and we'll call in JT to discuss it, too and we'll get on it, get an architect to work on the whole thing.

Debbie Bennett-Stearsman: Okay, good, thank you. Do you want to move the other thing up while I'm here so I don't come see you again?

Contract for Administrative Services by and between Warrick County on behalf of Warrick County Community Corrections and Economic Development Coalition of Southwest Indiana

Roger Emmons: Mr. President, while they're there, Debbie also submitted the contract for administrative services. It's on the agenda, it's just down one, in the next section. And it's for the next fiscal year which is July 1 to June 30th of next year. It's eight thousand dollars (\$8,000.00) and it's basically...they've had a number of contracts with Community Corrections and this is just a new one for Administrative Services.

Debbie Bennett-Stearsman: Yeah, it's out of the grant, the fees are.

Marlin Weisheit: I'll make a motion to approve.

Rick Reid: Second.

Don Williams: Motion and a second. All in favor say aye.

Marlin Weisheit: Aye.

Don Williams: Thank you.

Debbie Bennett-Stearsman: Thank you.

Marlin Weisheit: Thank you, Debbie.

DEPARTMENTAL REPORTS

COUNTY ADMINISTRATOR

Proposed Warrick County Animal Control Logo

Don Williams: Okay, Roger, do you want to go back and get number one?

Roger Emmons: Thank you, Mr. President. The first item I have is the proposed Warrick County Animal Control Logo. Animal Control Officer Danielle Barnes sent an email back on June the 4th. I know Health Administrator, Aaron Franz, is here and will discuss this with the Board but they do have this color logo which is a variation, modification of the one back here where you've got the sun and the green earth, the Ohio River shaped into a paw and Todd delegated this to a Fine and Hatfield Attorney who was that...that was...David Sanders...

Todd Glass: Mr. Sanders.

Roger Emmons: He looked into it and reported that the Commissioners have the Trademark, you own the Trademark to that one back there. And then you can grant a revocable license for that to be modified for a county office department to utilize. Mr. Sanders recommended that if you went that route, put it in writing the fact that you're granting a revocable license and the fact that any future modification would require the prior written consent of the Board of Commissioners. But I don't see them wanting to modify it any further once they get it established.

Don Williams: Is everybody familiar with that?

Roger Emmons: It's really a nice looking logo.

Don Williams: It is a nice looking logo.

Roger Emmons: Do you have anything to add or...?

Aaron Franz: Aaron Franz, Warrick County Health Department, no, I don't have anything to add.

Don Williams: Are you in favor of this, Sir?

Aaron Franz: Yes. So is the Board of Health.

Don Williams: They got certain entities, you know like Economic Development and so forth that we've given that permission to before and I think this is...my personal opinion, I think it fits the purpose.

Roger Emmons: One of the reasons you came before was because Danielle stated that the Storm Water Department had its own but President Williams told me that that had been approved by that board. So that's why after this, whatever the Commissioners action is I'll need to convey that information to the rest of the County Offices and Departments that may want to do this. I don't anticipate any right now.

Don Williams: No, I wouldn't...no elected office will be given this for sure.

Roger Emmons: And I think the Highway...

Don Williams: This is a specialized issue and warrants special recognition. Let the Highway know.

Roger Emmons: Yeah, so I do have the letter prepared for...

Todd Glass: Plus the county trademark you want to maintain authority over and that's what...the simple letter to the Animal Control Department does that, you are granting them the license and the Commissioners retain control of that.

Roger Emmons: Right.

Marlin Weisheit: Need a motion?

Don Williams: Need a motion to approve the...

Marlin Weisheit: I'll make a motion to approve the animal control logo for the Warrick County Animal Control.

Rick Reid: Second.

Don Williams: Motion and a second. All in favor let it be known by saying aye.

Marlin Weisheit: Aye.

Rick Reid: Aye.

Don Williams: Motion carries.

Roger Emmons: Mr. President, while Aaron is here he would like to briefly discuss about the fence, the Animal Control fence and the height of the fence without the barbed wire which I think Board has liability issue concerns over that barbed wire.

Don Williams: Yeah, I sent an email earlier.

Aaron Franz: Yeah, I did see that, Sir.

Don Williams: The concern was having the wire higher so people couldn't pitch dogs over the fence.

Aaron Franz: I think that was the claim that they had made earlier. We have had a barbed wire above our previous facility since 1986 and never had an issue with that but again that was the claim that they made. I just think it was a...

Don Williams: I don't mind having the wire up there, like those wire runs to make it higher, I just don't want barbs on them.

Aaron Franz: Okay.

Don Williams: Cause even though we haven't had a problem with it, you know if somebody decides to get rid of their animal and they toss over the fence, they got it hung up in that barbed wire and get cut up and killed, all of the sudden they're going to love that animal and it was just an accident throwing it over the fence and we're going to be liable. It's kind of...goes with my philosophy of trusting no one.

Aaron Franz: The straight wires would be sufficient I'd think.

Don Williams: I think straight wires...that would give kind of the same effect, it just wouldn't be the...

Aaron Franz: Right, yeah, if they're worried about animals climbing out it's still going to provide the same amount of deterrence.

Don Williams: To be honest with you, how high is the fence going to be?

Aaron Franz: Six (6) feet.

Don Williams: Six (6) feet. That's without anything on the top and an animal that can climb six (6) feet probably deserves his freedom. (Laughter)

Aaron Franz: We have several that are quite capable of climbing six (6) feet over...

Don Williams: I know that. I think just strands of plain wire would work fine. And if it ever becomes a problem then we can readdress it.

Marlin Weisheit: We treat them so good out there they might climb in to get inside, see that's why we got to keep them out.

Don Williams: Changing out the barbed wired...

Aaron Franz: They've got air conditioning now, they don't want to get out.

Roger Emmons: Well, the quote, if you're deleting the barbed wire that should...

Don Williams: Well, the regular wire will be less expensive than barbed wire so it might be a little less...

Roger Emmons: Right, I think that's a good compromise. So it'll be eight (8) feet if you add the two (2) feet of wire?

Aaron Franz: Yes.

Roger Emmons: Okay.

Don Williams: How many strands was that, do you know? Three (3) or four (4)?

Aaron Franz: Two (2) is all we have now. I think they're just going to the same. It's at an angle so it kinda goes back in...

Marlin Weisheit: Are they going to get started on the fence this week?

Aaron Franz: The fence company was out there today. I didn't get a date.

Marlin Weisheit: Okay, they got the grade work all done though and everything? Bobby and them finished that up?

Aaron Franz: Yes.

Marlin Weisheit: Good. Appreciate that.

Aaron Franz: Thank you, Gentlemen.

Marlin Weisheit: Thanks, Aaron.

Don Williams: Thanks.

Grant Agreement EDS # E23-14-008264 ~ A Grant between Warrick County, IN and the Indiana DNR for Baker Road Culvert, AML Site 2199

Roger Emmons: A Grant Agreement EDS # E23-14-008264. That's between Warrick County Indiana Department of Natural Resources for the Baker Road Culvert, Abandoned Mine Land (AML) Site 2199. We actually received that notice of this abandoned mine land site back in November of 2012. And as you recalled, Don, you, I and Bobby met with the DNR reps back in early April of this year. This grant is for a not to exceed amount seven thousand five hundred (\$7,500.00). The term runs from August the 1st of this year to November 30th, 2014 and they did recommend I think Bobby that the crops be out of the field before it was installed?

Bobby Howard: Correct.

Don Williams: I think that was the intent.

Roger Emmons: This is standard, pretty well their boilerplate agreement.

Don Williams: Pretty much like all of them we've have to deal with the DNR.

Roger Emmons: It's just not the DNR but like the one Dallas brings to you, those EDS numbers, they're all like cookie cutter agreements. But this does have acceptance page for Don's signature as President of the Board.

Bobby Howard: And for location purposes I believe this was Baker Road north of State Road 261...

Roger Emmons: Right.

Bobby Howard: Where the lake drained toward the airport.

Marlin Weisheit: Oh, the lake drained, there by the airport.

Roger Emmons: It's on the west side.

Don Williams: Okay, what's the Will of the Board?

Marlin Weisheit: I make a motion to accept it.

Rick Reid: Second.

Don Williams: And for me to sign it I take it?

Marlin Weisheit: Yes, for you to sign it. I like for you to sign things.

Don Williams: I have motion and a second. All in favor say aye.

Marlin Weisheit: Aye.

Rick Reid: Aye.

Don Williams: I'll sign it.

Roger Emmons: Thank you. A couple of other items, the first one has to do with the life insurance policy for County Employees. I just got these documents today but I had to communicate with the Commissioner, the county pays for a twenty five thousand dollar (\$25,000.00) life insurance policy for full time county employees. Dave Waltz, our Broker, he typically solicits quotes each year to get the county the best deal possible. The best deal he's found is with Mutual of Omaha and it's going to save the county at least eight thousand dollars (\$8,000.00) a year and could be even more depending upon the enrollment figures. But he had a couple of other companies and they were higher of course than Mutual of Omaha, but I did get a consensus from Don and Marlin to proceed with Mutual of Omaha and the one time

enrollment meeting they had requested, which would allow employees to participate in their voluntary guaranteed issue of low cost term life insurance programs, so they'd like to do that open enrollment the last week of this month, no later than the first week of August.

Don Williams: This would be an opportunity for people to get additional insurance from what the County provides.

Roger Emmons: That's correct, at a guaranteed rate.

Don Williams: Looking at their rating and I get two (2) or three (3) of those offers in the mail every week it seems like and their rates are definitely much less expensive than anything I get mailed, that's for sure.

Roger Emmons: I think it was thirty cents (.30) per one thousand dollars (\$1,000.00) of coverage.

Don Williams: That's not bad.

Roger Emmons: The three (3) documents that Dave Waltz sent me for your approval and Don's signature are the application, the Group Insurance Application, the Policy Administration page, which is acceptance of terms and conditions, and the Participation Plus Enrollment Strategy, which Dave has filled out to reflect that it's the voluntary term life that's the enrollment strategy on this. So, I'd recommend you approve it by motion for Don's signature on those documents.

Don Williams: Okay, do I have a motion?

Marlin Weisheit: I'll make a motion to approve.

Rick Reid: Second.

Don Williams: Motion and a second. All in favor let it be known by raising your right hand.

Roger Emmons: That's a good one, Don, a visual.

Don Williams: I thought I'd do something different. Did you get that? Three (3), zero (0)?

Angie Leslie: Yes.

Courthouse Roof

Roger Emmons: The other two (2) items are informational only, don't have to be discussed unless the Board so chooses.

Don Williams: Where are we at on that, Roger? I would like to talk about it just a little bit...on the courthouse roof.

Roger Emmons: Okay. Nate Leverenz is the adjuster that Chubb Insurance Group has assigned, he's with the Crawford Company in Evansville. He contacted me on July the 7th and said that the Chubb Insurance Group, they have agreed to pay the County for whatever the replacement cost is on this roof, the Courthouse roof, which is a slate tile roof. Right now the insurance company and Embry Roofing, which is a local contractor, one of the few known to work with slate tile, they're a little different on their estimates. There's as much as sixty eight thousand dollars (\$68,000.00) difference. Nate tells me that the insurance company will pay us the higher amount but if you choose to pick an alternative that's cheaper, it's just as long lasting in their opinion. For example, an asphalt shingle with a life time warranty then the County could keep the difference if you chose to do that. I did talk to Marlin about it, he's leaning towards keeping it a slate tile. Not only for its durability but it's for historical reasons.

Don Williams: I think we'd have fits from historical people for doing something like that.

Marlin Weisheit: And this slate is supposed to be better than the current slate that was installed ten (10) to twelve (12) years ago.

Don Williams: I think what Embry is promoting is a heavier slate tile which would be less easy to blow around for sure.

Rick Reid: Did you actually say that there's asphalt shingled roof that was a lifetime warranty?

Roger Emmons: That's what Mr. Leverenz told me.

Rick Reid: No such thing.

Roger Emmons: Well, they can sell you that... (Laughter)

Rick Reid: Then they go out of business on you.

Roger Emmons: But obviously they're much thicker than a regular asphalt shingle, but it's up to the Board, however you want to proceed. If you want to keep it a slate tile they're going to pay for all of it.

Rick Reid: I think the integrity would look better with that.

Marlin Weisheit: And I don't have a problem with them negotiating out a price with them. I mean, you know they give rates on...

Don Williams: I just wanted to make sure we're all on board with the slate so we are...you can have our unanimous consensus there.

Roger Emmons: Okay, thank you, Gentlemen. That's all I have.

Marlin Weisheit: Roger, is...there is funds, I know some of them asked me out at the 4-H Center yesterday, they're already paying for some of the repairs out there so the funds will be available to reimburse them right away won't it?

Roger Emmons: Yes, I'm processing some of those claims right now. We've already got some of them paid. For the most part we can do them with a manual check and not have to wait the thirty (30) to sixty (60) days the normal claims procedures takes.

Marlin Weisheit: Good, okay, thank you.

Roger Emmons: Thank you.

COUNTY AUDITOR

Don Williams: Do we have anything from the County Auditor?

Angie Leslie: No.

Roger Emmons: Mr. President...

Don Williams: You said you were through.

Roger Emmons: I did notice that Dallas is not here...

Don Williams: Yeah he is.

Marlin Weisheit: Yes he is, he's here.

Roger Emmons: Oh, there he is.

Rick Reid: He's hiding back there.

Roger Emmons: We're not to you yet, I'm sorry. (Laughter) How could you hide from us? Alright, thank you.

Don Williams: What are you wanting Dallas for?

Roger Emmons: Well, he's on the agenda but I'm sure there's...Auditor's next. You got anything?

Angie Leslie: No.

Roger Emmons: Okay, so, Mr. Grassman?

Don Williams: Okay, no business from the Auditor?

Angie Leslie: No.

Rick Reid: It's quiet down there.

COUNTY PURCHASING

Judicial Center's New Access Control System (Proximity Readers and Cards)

Don Williams: Okay, County Purchasing, Joe, you're up.

Joe Grassman: Joe Grassman, Purchasing Manager, first order of business is to open and read bids for the new Access Control System at the Judicial Center which basically is the Readers and Proximity Cards for entry and exit of the building, security exits. I have seven (7) bid responses to go through, I'm just going to start with the one on top. This is from the Advanced Systems Technology, Incorporated, they bid thirteen thousand one hundred and thirteen dollars (\$13,113.00).

Don Williams: Thirteen thousand...what was it again?

Joe Grassman: Thirteen thousand one hundred thirteen dollars (\$13,113.00).

Don Williams: That's an odd number.

Joe Grassman: The next bid is from All American Locksmith and Alarm Service. All American's bid is six thousand eight hundred ninety five dollars (\$6,895.00).

Don Williams: Six thousand eight hundred and ninety five (\$6,895.00)?

Joe Grassman: Yes, Sir. The third bid is from...I won't know until I open it. This is from Felts Lock and Alarm Company. Their bid is nine thousand three hundred eighty dollars and fifty three cents (\$9,380.53). The next bid is from Sonitrol. Their bid is thirteen thousand dollars (\$13,000.00) even. The next bid is from Guardian Asset Protection. Their bid is seven thousand nine hundred ninety seven dollars and nineteen cents (\$7,997.19). Southwest Communications bids twenty nine thousand seven hundred forty six dollars (\$29,746.00).

Don Williams: Was there a pre-bid meeting or anything like that?

Joe Grassman: Yeah, they all...

Don Williams: They were all over there?

Joe Grassman: They were all over there.

Don Williams: They all took the tour? They all know exactly what we want.

Joe Grassman: All bid from exactly the same specifications.

Don Williams: We probably ought to take these under advisement cause we need to look that paperwork over and make sure all the equipment is state of the art and we're not getting any old equipment slipped to us or anything.

Roger Emmons: You got one (1) more?

Joe Grassman: Yeah.

Don Williams: You got one (1) more?

Joe Grassman: I do. This one is from Wireless Networking Solutions. They're the ones that did the most recent camera installation over there. Their bid is twenty three thousand six hundred thirty dollars (\$23,630.00).

Don Williams: Where are these located do you know?

Joe Grassman: Which...you mean, where are they physically located?

Don Williams: Yeah, the companies. Are they all local?

Joe Grassman: Yeah, well, this one I just...Network Wireless Solutions is in Lafayette, Indiana.

Don Williams: I see they have their gas and mileage figured in.

Joe Grassman: Yeah, Guardian is across the street, Lee Haden is in Newburgh or Chandler, Felts...

Rick Reid: American is down there too.

Don Williams: All American Locksmith, where are they at?

Rick Reid: They're in Newburgh or...

Joe Grassman: Yeah, it's in Newburgh.

Joe Grassman: Sonitrol, Evansville, Felts, Evansville.

Don Williams: That's fine. Okay, what's the Will of the Board?

Rick Reid: I'll make a motion to take it under advisement.

Don Williams: Do you want to look at these Joe? Make sure that they're apples to apples in all those bids.

Marlin Weisheit: I'll second Rick's motion.

Don Williams: Motion and a second to take the communications system bids under advisement. All in favor say aye.

Marlin Weisheit: Aye.

Rick Reid: Aye.

Don Williams: Aye. Motion carries. Three (3), zero (0).

County Cell Phone Contract

Joe Grassman: One other thing I have on the agenda is the County Cell Phone Contract. We received a letter from Terry Phillippe of Red Line Wireless offering to renew our cell phone contract for another two (2) year period without any changes in the existing terms and conditions of the...without any changes in the terms and conditions of the existing contract so...

Don Williams: That has an out clause? Anytime we want out we can get out?

Joe Grassman: Absolutely. Anytime for any reason we can cancel the contract.

Don Williams: When does the contract expire?

Joe Grassman: August 16th.

Don Williams: Okay. What's the Board want to do with the cell phone issue?

Marlin Weisheit: We haven't had any issues with him that I'm aware of so since we can get out anytime I'll make a motion to go ahead and approve the two (2) year contract with Terry.

Don Williams: I don't have any problems either since I switched to AT&T on my own.

Rick Reid: Second.

Don Williams: I have a motion and a second. All in favor say aye.

Rick Reid: Aye.

Marlin Weisheit: Aye.

Don Williams: Motion carries.

Joe Grassman: That's all I have, thank you.

Don Williams: Thank you, Sir.

COUNTY ATTORNEY

Don Williams: County Attorney, you have some issues.

Todd Glass: Just one (1), Mr. President, if the Commissioners would give me some direction on how they would like for me to proceed; it is involving the problem that I have been looking into for a couple of months now. On approximately one hundred (100) mineral interests that were attempted to be sold at tax sale way back in the year 2000 and a solution was obtained at that point in time to remove them from the tax rolls via the particular statute which declared these mineral interests as containing hazardous waste. And not being there I don't really remember why we did it the way we did it but that's the way we did it but now it's causing a problem for property owners who are now discovering here and there that these mineral interests they don't own. So we now have two (2) property owners that have come and said 'hey, we own the surface rights but apparently we don't own our mineral interest, so we would like our mineral interest back'. Well, the statute that is implicated by Resolution 2000-03, that removed them from the property tax rolls, is a very difficult problem. I have come up with a solution but I just need to know the Commissioners' will. The best solution I have been able to come up with is that when a particular property owners requests, that the county probably should file a Quiet Title Action on that particular mineral interest. That's going to probably implicate other surface owners that own an interest in that mineral parcel. So that is why I'd suggest that we do a Quiet Title Action which avoids the statute the statutory procedure that is provided in the hazardous material statute, which we don't want to follow if we can keep from it. So, I just need to know from the Commissioners, do you want me to pursue a Quiet Title Action with these first two (2) property owners that have come forth, I'm willing to do that but it's extra work, however, and if only two (2) property owners a year come, that's okay, but what if twenty four (24) of them come? So my question is what do we do? As there are some costs that it requires to bring the action and also I'm not an oil and gas lawyer. I believe this is a correct answer, I would prefer and I would recommend that the Commissioners have me check with an oil and gas attorney, which would include maybe some phone calls, emails, a sit down chat perhaps and find out from that oil and gas attorney if my conclusions are correct. It's such a wide ranging issue because you could have several hundred property owners effected by this, so I'm just saying you'd want to have the right solution before I start doing it. I think it is the correct solution. The question is what do you want me to do? Because we do have two (2) property owners already asking for their mineral interests back.

Roger Emmons: And the hazardous statute requires that somebody clean up the hazardous waste?

Don Williams: There's no hazardous waste there though.

Roger Emmons: I understand that.

Todd Glass: My understanding of course is that there were no hazardous wastes present in these various mineral interests, almost one hundred (100) different mineral parcels and I've been working with Kim over in the Auditor's Office significantly as we try to figure out how to resolve this. That's why I think it is legitimate to go to the court and just ask for a Quiet Title Action versus going via the way of the statutory procedure.

Marlin Weisheit: Now, how these come about is just people bought mineral rights over the years and quit paying taxes on them and then they've...

Todd Glass: Right, originally you have a one hundred acre (100) acre parcel that someone once owned and they eventually sold it but what they did was they severed or they reserved the mineral interest. Yeah, I'll sell you the farm land but I'll want the mineral interest, right? So, that could have been done a century ago or eighty (80) years ago and since then that hundred (100) acre parcel now is owned by five (5) people or ten (10) people or eighty (80) people or one hundred eighty (180) people all on top of this one (1) mineral interest. So, it's a very complicated problem caused by originally the lack of payment of taxes on these parcels. The Auditor's not wanting to go to the effort of putting all of these mineral interests back on the tax rolls because they weren't getting paid in the first place and then the solution is ah-ha, let's call them 'hazardous waste' which was probably a decent conclusion at the time. It solved a problem. But now we've got this problem to deal with now and we got to figure out some way to deal with it and we don't want to solve a problem by just creating another problem. I suppose you could but you wouldn't want to do that. It's easy enough to come up with Quiet Title Action and then if property owner three (3), four (4), five (5) and six (6) came to us in the next several months we'd have the process down pat and we'd just re-use it.

Marlin Weisheit: I'd like myself to see us try to work with these two (2) property owners and get it cleaned up, let Todd work through it, and hopefully there won't be that many more come up, at least that's my opinion. We've been dealing with this I know for a couple of years.

Todd Glass: I would imagine more will probably come up just because you have a lot of people running around this area trying to buy oil rights and that's probably why these property owners have come forward all the sudden. Because they either want to or have sold their oil rights but then they've suddenly realized, wait a second, we don't own them or we don't have them.

Marlin Weisheit: When they purchased their property they was probably sold out years ago or let go years ago.

Todd Glass: Correct. I'm just asking do you want me or do you authorize me to confirm my conclusions with an oil and gas attorney and do you authorize...

Don Williams: What's the cost going to be roughly, you got any idea? Three or four hundred dollars (\$300.00-\$400.00)?

Todd Glass: Yeah, five hundred dollar (\$500.00) roughly. And it's such a significant issue that I believe this is a correct solution but an oil and gas attorney might say 'yeah, do that but do it this way and then you're all set.

Roger Emmons: So if you confirm with one (1) of those specialty attorneys on these two (2), you may not have to do it again.

Todd Glass: Then we'd have the pattern set.

Roger Emmons: Okay.

Todd Glass: And if I did that then I could report back to the Commissioners.

Don Williams: Okay, first let's deal with the consulting issue. Does the Board have a consensus from Rick and Marlin to have him go ahead and consult with...?

Rick Reid: I'm good with that. No reason to spin wheels and find out you're going the wrong way with it.

Marlin Weisheit: Yeah, I think its money well spent before we get started on it.

Don Williams: So you have a consensus on that.

Todd Glass: Very good.

Don Williams: The other issue was the...were also doing stuff there that I think is outside your contract.

Todd Glass: What we could do is I could go this step and report back and maybe in consultation with the oil and gas attorney we solve some of that.

Don Williams: Okay. That'll be good.

Todd Glass: Thank you. Alright, I think that gives me guidance and I appreciate it.

Don Williams: Okay, thank you. Do you have anything else, Sir?

Todd Glass: No, Sir.

COUNTY ENGINEER

No Parking Request ~ Citadel Circle

Don Williams: Do we have anything from Engineering Office?

Bobby Howard: Yes, I have two (2) things. The first is a No Parking Request on Citadel Circle. I have a copy showing the locations that a few vehicles and trailers have been parking. We had a request, I think it was called in to Commissioner Reid, that he (Mr. Biggerstaff) was having trouble turning his large equipment and trailers through there. There are some pictures on the next page. There appears to be room to get equipment through. A lot of these lots are vacant lots. I was hoping maybe somebody would be here today to discuss it a little further but I really have not been able...I guess the weekends are worse is what it was stated to you?

Rick Reid: Yeah, and he actually said...this is right next to the Vanderburgh County line and there are apartment right there so the apartment people park their boats out on this road over here, supposedly it's no parking on the ordinances and he's just asking to put some signs up here to keep them from parking over there.

Bobby Howard: What I think is he may have some restrictions and covenants maybe in this subdivision he developed, it's an industrial subdivision and maybe there's regulations saying 'no parking over 24 hours'. Normally we don't enforce private restrictions and covenants in subdivisions, but if there was a problem with traffic getting in and out we have posted certain areas 'no parking'.

Rick Reid: Well, I think Mr. Biggerstaff was saying that it's just hard for him to get his big rigs in there too. Coming in from...

Marlin Weisheit: My big things too; I don't think there's any lights out there and I'm sure the Sheriff would agree probably...trailers sitting on a roadway, dark it's just always a chance somebody running into them at night, I mean, kids out driving and not paying attention and just a black trailer sitting there it could cause a bad accident.

Sheriff Kruse: The people that's leaving them there may not even live in Warrick County.

Rick Reid: Yeah, that's what he was saying, it's Vanderburgh County people.

Marlin Weisheit: With the apartments there I can see that, yeah. What do you suggest, Mr. Engineer?

Bobby Howard: Well, it's really up to...if you want to give a section of this street, where they are parking, no parking or just name the whole roadway itself. I believe it's all called Citadel Circle. You could just name Citadel Circle...

Don Williams: Is the entire road in Warrick County, its real close if it's not.

Bobby Howard: It's all in Warrick County, yes.

Don Williams: It goes right past that hotel.

Roger Emmons: Does that take a separate ordinance or a resolution or an amendment to the existing ordinance?

Don Williams: You could make it Warrick Resident Parking only. Would that help if we made it Warrick County Resident parking only?

Rick Reid: I don't know if the Sheriff would...

Don Williams: Can we do that? (Laughter)

Marlin Weisheit: I hate to see things parked on the roadway myself like that especially equipment.

Rick Reid: And he acts like its parked there a lot.

Marlin Weisheit: I know Brett's got officers that patrol that area at night and they're out there looking around on a dark street, they can even run into it, I mean, cause they're looking at buildings and making sure doors are closed and it's kind of a hazard for them I'd think.

Todd Glass: Mr. President, I might suggest you just allow me to contact this...is it Mr. Biggerstaff?

Rick Reid: Yes, Bruce Biggerstaff.

Todd Glass: Yeah, I know Bruce but you know he's got two (2) remedies, one (1) would be his own covenant, of course I don't know what those are he probably has...

Rick Reid: You're not supposed to have any parking out there according to his covenant.

Don Williams: Well, if he has a covenant can they not put their signs up...well, it is a county road though. It is a county road so...

Sheriff Kruse: Citadel is commercial.

Rick Reid: Yeah, it's commercial, it's industrial.

Sheriff Kruse: These people's parking their stuff back there where they can look out the back window of their apartments.

Rick Reid: Yeah, that's in Vanderburgh County.

Sheriff Kruse: That's what's causing the problem. Cause they don't have any place to park.

Rick Reid: Right, but that's not our problem.

Sheriff Kruse: They still shouldn't be blocking the business.

Rick Reid: Right, and he's bringing in big rigs back there and he said it's hard for him to get in there too.

Todd Glass: There might be a solution here with Mr. Biggerstaff, I'd be happy to help with that.

Don Williams: A solution? Okay. Why don't we just table that and give the Attorney time to talk to Mr. Biggerstaff. So, we have a motion to table?

Rick Reid: Motion to table.

Marlin Weisheit: Second.

Don Williams: Motion and a second. All in favor say aye.

Rick Reid: Aye.

Marlin Weisheit: Aye.

Don Williams: Motion carries. Thank you.

Bobby Howard: The other item I have its Amendment #1 to the Bridge 371 Consultant Contract for Construction Engineering Inspection. That contract's been delayed. A lot of it's due to weather, some of it was due to steel issues but with the creek rising they had the containment underneath the bridge that they're required to do for painting and things, well, that had to be redone a few times, we had an inspector on site throughout all this and now that the project has been extended by, I think until September, the consultant needs to amend their agreement for a new 'not to exceed total' to increase their value by fourteen thousand four hundred thirty one dollars (\$14,431.00) and there is money in the project line item for this.

Marlin Weisheit: They have had some delays there with the steel too...

Bobby Howard: And this puts it at a worst case scenario so this is a 'not to exceed' amount and if they put less time in it will be less, we've discussed that.

Roger Emmons: What was the not to exceed?

Bobby Howard: Increases this value by fourteen thousand four hundred thirty one dollars (\$14,431.00).

Marlin Weisheit: I'll make a motion to approve that request for fourteen thousand four hundred thirty one dollars (\$14,431.00).

Rick Reid: Second.

Don Williams: Motion and a second. All in favor say aye.

Marlin Weisheit: Aye.

Rick Reid: Aye.

Don Williams: Motion carries. Anything else, Sir?

Bobby Howard: No, that's all I had, thank you.

Marlin Weisheit: Thank, Bobby.

COUNTY SHERIFF

Contract with American Dental Services

Don Williams: Sheriff, you have a couple of issues. Do you want to come up?

Sheriff Kruse: Brett Kruse, Warrick County Sheriff. The first thing on there is the contract with American Dental Services I forwarded that to the County Attorney. Mr. Glass sent me back an addendum to that and it deals with Iran and a whole bunch of other things.

Todd Glass: I gotta do what I gotta do.

Sheriff Kruse: I forwarded that back to the doctor and he said there's no problem. He signed it, emailed me a copy of it back. This is really...it's a contract between the Sheriff and the doctor, American Dental Services, that just simply states for all non-emergent dental care he will come once a month or more often if he's needed to take care of the dental needs in the jail. And it's...he doesn't provide a whole lot of services, basically there's several different options for extracting a tooth and the rest of it...I mean, emergent stuff I can use whoever I need to down here but this is like if somebody has got a cavity, he'll come down and pull their tooth and he includes his prices. And then there's some other things that he does. We've used him for about ten (10) years.

Don Williams: And no problem I take it? I don't remember having a law suit from an inmate over him.

Sheriff Kruse: No, no problem, there's a place in here if the Commissioners wish to sign he said I can just sign it, we can scan it in, email it back to him and then he will do the same thing, when he gets that he'll email us a copy back.

Don Williams: Okay, and your recommendation is that we approve it?

Sheriff Kruse: I recommend that we do it. It has saved us a bunch of money.

Don Williams: Okay, what's the will of the Board on an inmate dental care?

Rick Reid: So moved.

Marlin Weisheit: Second.

Don Williams: Okay, we have a motion and second. All in favor say aye.

Marlin Weisheit: Aye.

Rick Reid: Aye.

Don Williams: Motion carries.

Sheriff Kruse: And do you guys want to sign this?

Don Williams: What's that?

Sheriff Kruse: Do you want to sign it?

Don Williams: Is it for just me or is it for...

Sheriff Kruse: It's got a place for four (4) Commissioners. Do you want to hire another one?

Don Williams: I'd like that. Yeah, just hand it up here, we can just not sign the one.

Sheriff Kruse: And then...Todd has a copy of that along with the addendum. When it's done I will forward that back so that everybody has a copy of it.

VEI Communications ~ Radio Preventative Maintenance Agreement

Sheriff Kruse: And the second item is the purchase of Service Agreement with VEI Communications and that's Preventative Maintenance. My recommendation on that is to do labor only. The equipment is all eighteen (18) months old, we've got insurance and they've been kind of catastrophe so we're going to pay for it anyway and it's twenty four thousand (\$24,000.00) for parts and labor and ten thousand (\$10,000.00) and some change just for labor on the maintenance agreement. And I've looked the equipment list over and it's as complete as I know it to be so it's hard for me to stand here and say...

Don Williams: It's an up-to-date one from the time we had our meeting I take it?

Sheriff Kruse: Yes, they did the inventory that same day.

Don Williams: Okay, good.

Marlin Weisheit: They're good to work with.

Sheriff Kruse: Yeah, they are, I would recommend doing just labor on that.

Marlin Weisheit: I'll make a motion to approve the VEI Communications Preventative Maintenance Agreement, labor only for radio equipment.

Rick Reid: Second.

Don Williams: We have a motion by Commissioner Weisheit and a second by Commissioner Reid. All in favor say aye.

Rick Reid: Aye.

Marlin Weisheit: Aye.

Don Williams: Motion carries, thank you.

Sheriff Kruse: And Roger, do you have a copy of that?

Roger Emmons: No.

Sheriff Kruse: You don't have?

Roger Emmons: No.

Don Williams: Do you have a clean copy, Sheriff?

Sheriff Kruse: I think so.

Don Williams: If you don't have it with you...

Roger Emmons: I don't remember you sending it to me.

Sheriff Kruse: And that's all I have.

Don Williams: Okay.

Marlin Weisheit: Thank you, Sheriff.

COUNTY EMA

2013 Emergency Management Performance Grants-Salaries, Sub-Grant Agreement, CFDA #97.042, EDS# C44P-5-085B

Don Williams: Alright, come on up, Mr. Scott. You're last but not least.

Dallas Scott: Dallas Scott, Warrick County Emergency Management. We're requesting for approval of a grant basically reimburses half of our salaries.

Marlin Weisheit: Which is very important isn't it?

Dallas Scott: Well yeah, for you.

Don Williams: Yeah, I saw the report, highly colorful I may add.

Dallas Scott: Yeah, wasn't it though. Terry spent a lot of time on it.

Don Williams: And we qualified for the highest amount, which is good. What are you looking for? Just to approve it?

Dallas Scott: Yes.

Don Williams: By the way, congratulations, I know it's a lot of time and a lot of paper work involved there.

Dallas Scott: It is, it is.

Don Williams: It's always nice to get that fifty percent (50%) subsidy for your salary. I'm sure the Council appreciates it very much.

Marlin Weisheit: We do too. Well, I'll make a motion to approve the Emergency Management Performance Grants for salaries and sub grant agreement.

Rick Reid: Second.

Don Williams: Motion and a second. All in favor say aye.

Marlin Weisheit: Aye.

Rick Reid: Aye.

Don Williams: Aye. Motion carries three (3), zero (0).

Dallas Scott: Thank you very much.

Marlin Weisheit: Thanks, Dallas, sorry you had to wait.

COMMISSIONERS ITEMS FOR DISCUSSION

Commissioner Williams: Okay, anybody else have anything you want to bring before the Board? If not, Commissioner Reid, do you have anything?

Commissioner Reid: No, Sir.

Commissioner Williams: Commissioner Weisheit, do you have anything?

Commissioner Weisheit: No, Sir, I don't.

Commissioner Williams: Entertain a motion.

Commissioner Reid: Motion to adjourn.

Commissioner Weisheit: Second.

Commissioner Williams: We are adjourned.

DON WILLIAMS, PRESIDENT

RICHARD A. REID, VICE PRESIDENT

MARLIN WEISHEIT, MEMBER

ATTEST:

L.B. DUGAN, AUDITOR
WARRICK COUNTY, INDIANA